THE HON'BLE SRI JUSTICE B.PRAKASH RAO

AND

THE HON'BLE Dr. JUSTICE G.YETHIRAJULU

W.P.No.20638 OF 1994

Date:03-10-2005

M.Vengaiah S/o Late Sri M.Rajaiah,

Aged about 36 years, Munsif Magistrate,

At Nagarkurnool, Mahaboobnagar Dist.

Petitioner

And

1. The Government of Andhra Pradesh,

represented by its Special Secretary to Govt.,

Finance and Planning (F.W.PC.I) Department,

Secretariat, Hyderabad and another

Respondents

THE HON'BLE SRI JUSTICE B.PRAKASH RAO

AND

THE HON'BLE Dr. JUSTICE G.YETHIRAJULU

W.P.No.20638 OF 1994

JUDGMENT: (Per the Hon'ble Dr. Justice G.Yethirajulu)

The petitioner approached this Court through this writ petition seeking to declare that the order of the second respondent dated 13-09-1994 passed in pursuance of G.O.Ms.No.92, dated 12-03-1994 is contrary to the purport of G.O.Ms.No.92 and further to hold that the petitioner's pay fixed through the proceedings dated 24-07-1993 is correct.

The petitioner is a direct recruit munsiff. He was appointed with effect from 20-07-1992. In the revised pay scales of 1993 in pursuance of G.O.Ms.No.162, dated 20-05-1993, his pay was fixed through proceedings dated 24-07-1993 at Rs.4,270/- in the pay scale of 3,880/- etc. Subsequently, on the representation made by some officers that their pay scales are reduced by implementing the revised pay scales, G.O.Ms.No.92 was issued by the Government protecting the pay of those officers.

The petitioner's grievance is that though he does not come within the purview of G.O.Ms.No.92, it was made applicable to him and in pursuance of that, the second respondent re-fixed
his pay and reduced to Rs.4,270/-. On account of that, he felt aggrieved that his existing pay was reduced, therefore, he approached this Court through this writ petition.

An interim order was passed by this Court on 23-11-1994 suspending the order of the second respondent dated
13-09-1994. In pursuance of the interim order granted by this Court, the pay scales of the officers appointed along with the petitioner were also not revised and all the officers enjoyed the benefit of the revised pay scale fixed in pursuance of G.O.Ms.No.162, dated 20-05-1993.

It is not the contention of the second respondent
that the revised pay scale fixed through the order dated
24-07-1993 is not correct. The object of issuing G.O.Ms.No.92 was also to protect the pay scales of the officers, which they were getting prior to the fixation of the pay in pursuance of the revised pay scales.

In the light of the above circumstances, the order passed by the second respondent on 13-09-1994 cannot sustain.
The petitioner is entitled to the pay scale fixed through the proceedings of the second respondent dated 24-07-1993, the benefit of which he has already enjoyed. Therefore, the order of the second respondent dated 13-09-1994 is set aside.

The writ petition is, accordingly, allowed. No order as to costs.

_____

B.PRAKASH RAO, J

_____

Dr.G.YETHIRAJULU, J

Date:03-10-2005.

YCR